

AMENDED IN ASSEMBLY AUGUST 25, 2011

AMENDED IN ASSEMBLY JULY 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## **Assembly Joint Resolution**

**No. 1**

---

---

**Introduced by Assembly Member Donnelly**

January 19, 2011

---

---

Assembly Joint Resolution No. 1—Relative to undocumented criminals.

### LEGISLATIVE COUNSEL'S DIGEST

AJR 1, as amended, Donnelly. Undocumented criminals.

This measure would urge Congress and the President to restore full funding for the State Criminal Alien Assistance Program and to fully reimburse states for the cost of incarcerating undocumented criminals.

Fiscal committee: no.

1 WHEREAS, The federal government has a legal and moral  
2 obligation to keep our borders secure and, if it does not, it should  
3 pay the state the full cost of incarcerating undocumented criminals;  
4 and  
5 WHEREAS, Federal law states that when a chief executive  
6 officer of a state submits a written request to the United States  
7 Attorney General for reimbursement the Attorney General will  
8 either enter into a contractual arrangement that provides for  
9 compensation to the state to incarcerate the undocumented  
10 criminals or take the undocumented criminals into the custody of  
11 the federal government (8 U.S.C. Sec. 1231); and

1 WHEREAS, The federal State Criminal Alien Assistance  
2 Program was created in 1994 for the purpose of reimbursing states  
3 for the costs of incarcerating undocumented criminals; and

4 WHEREAS, Federal law provides that the State Criminal Alien  
5 Assistance Program provide federal payments to states and  
6 localities that incur costs for incarcerating undocumented criminals;  
7 and

8 WHEREAS, There are almost 17,000 self-reported  
9 undocumented criminals in the California prison system; and

10 WHEREAS, In the 2009–10 fiscal year, the cost per incarcerated  
11 individual in California was \$52,363 each year; and

12 WHEREAS, In the 2009–10 fiscal year, it cost the State of  
13 California over \$885 million to house these undocumented  
14 criminals; and

15 WHEREAS, In the 2009–10 fiscal year, the State of California  
16 was reimbursed from the State Criminal Alien Assistance Program  
17 in an amount equal to only 11 cents for every dollar spent to house  
18 these undocumented criminals; now, therefore, be it

19 *Resolved by the Assembly and the Senate of the State of*  
20 *California, jointly,* That the Legislature respectfully urges Congress  
21 and the President to restore full funding for the State Criminal  
22 Alien Assistance Program; and be it further

23 *Resolved,* That the Legislature urges Congress and the President  
24 to adequately fund the State Criminal Alien Assistance Program  
25 to fully reimburse states for the cost of incarcerating undocumented  
26 criminals, and to ensure that the State of California receives  
27 reimbursement for every dollar spent to incarcerate—~~illegal~~  
28 ~~immigrants~~ *undocumented criminals* within the California prison  
29 system; and be it further

30 *Resolved,* That the Speaker of the Assembly transmit copies of  
31 this resolution to the President and Vice President of the United  
32 States, to the Speaker of the House of Representatives, to the  
33 Majority Leader of the Senate, and to each Senator and  
34 Representative from California in the Congress of the United  
35 States.

O